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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,113	09/13/2005	Wing Kin Chan	007198-619	7582

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EXAMINER

RALIS, STEPHEN J

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/523,113	CHAN, WING KIN	
	Examiner	Art Unit	
	Stephen J. Ralis	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim for foreign priority benefit of Chinese Patent Application No. 02105673.1, filed 01 August 2002, is acknowledged and granted.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the labeling of the sensing frontend circuitry 100; synchronization circuitry 110; and biasing circuit in Figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

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"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "250" and "280" have both been used to designate "switch SW2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: page 12, line 11, "switchable ionising circuitry" should read –switchable ionizing circuitry 261–; line 15, "heating level SW1" should read –heating level SW1–; all references to "ionizing" should read –ionizing–; page 14, line 5, "iron" should read –ion–.

Appropriate correction is required.

Claim Objections

5. Claims 1-11 are objected to because of the following informalities:
 6. Claim 1: line 6, for storing temperature information” should read –for storing the temperature information–.
 7. Claims 2-11 are objected to because of the dependency on claim 1.
 8. Claims 8-11: “a LCD display screen” should read –an LCD display screen–.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 5, 7, 9 and 11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “an ionizer” (page 12, lines 8 – page 13, line 12; see Figure 3) does not reasonably provide enablement for “an ionizer” in the structure. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Claims 5 and 7 recite displaying the operation status of the device including triggering of an ionizer for hair when no structure has been claimed previously for ionizing. While the specification discloses the

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circuit for displaying the status of an ionizer, the specification is silent to the structure of a personal care device including the ionizer and how to make and use it accordingly.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-5, 7, 9, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation a "personal care device", and the claim also recites "such as a hair dryer or a fan heater" which is the narrower statement of the range/limitation.

Claims 2-4 are rejected because of the dependency on claim 1.

With respect to claims 5 and 7, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 5 and 7 recite the broad recitation "operating conditions", and the claims also recite "fan speed" and "triggering of ionizer for hair" which is the narrower statement of the range/limitation.

Claims 9 and 11 are rejected because of the dependency on claims 5 and 7.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Polaert (U.S. Patent No. 5,790,749).

Polaert discloses a hair dryer including a main housing (10), a motor, a motor driven fan (air circulation means 13 including a motor M; see Figure 1), a heating element (14), controlling means (18), a thermal sensor (detector for heat radiation 20), the main housing defines an air-passageway having an air-inlet and an air-outlet (see Figure 1), the heating element is disposed intermediate between the air-inlet and the air-outlet (heating element 14 disposed between inlet 11 and outlet 12; see Figure 1), the thermal sensor is disposed adjacent to the air-outlet and provides temperature information to the controller (column 2, lines 48-55), the controlling means including memory for storing temperature information and the controlling means includes means for comparing the temperature information received from the thermal sensor with the pre-stored temperature information, the controlling means causes the heating element to reduce heating power output according to a pre-determined manner when the received temperature information corresponds to a temperature which exceeds a pre-determined threshold (column 2, lines 48-55; column 3, lines 7-11, 52-58; column 4, lines 1-6). As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

Polaert further discloses an automatic control means (control means 18; see Figure 4) having a plurality of predetermined settings (column 3, lines 7-57; see Table

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1) corresponding to a plurality of heating power and fan speeds (curve 25 – power; curve 27 – air flowrate / fan speed).

15. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Walter et al. (U.S. Patent No. 4,260,875).

Walter et al. disclose a hair dryer including a main housing (11), a motor (18), a motor driven fan (17), a heating element (heater assembly comprising heater coils 21 and support board 22), controlling means (temperature sensing circuit 27; column 2, lines 39-48, 59-68; column 3, lines 1-5), a thermal sensor (thermistor being preferably a NTC resistor; column 2, lines 60-61), the main housing defines an air-passageway having an air-inlet and an air-outlet (inlet 16 to outlet 13; column 2, lines 19-26; see Figure 2), the heating element is disposed intermediate between the air-inlet and the air-outlet (see Figure 2), the thermal sensor is disposed adjacent to the air-outlet and provides temperature information to the controller (column 2, lines 39-48), the controlling means including memory for storing temperature information and the controlling means includes means for comparing the temperature information received from the thermal sensor with the pre-stored temperature information, the controlling means causes the heating element to reduce heating power output according to a pre-determined manner when the received temperature information corresponds to a temperature which exceeds a pre-determined threshold (column 2, lines 39-48, 59-68; column 3, lines 1-21). As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

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With respect to claim 4, Walter et al. further disclose a displays means (neon lamp 30) on the main housing (11) indicating the instantaneous operating conditions of the device (column3, lines 21-24).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. (U.S. Patent No. 4,260,875) in view of Harris et al. (U.S. Patent No. 6,393,718).

The claims differ from Walter et al. in calling for the display means including a graphical representation showing operating conditions of the fan speed level and triggering of ionizer for hair. However, displaying the fan speed level and the triggering of an ionizer for hair in a graphical representation, is well known in the art. Harris et al.

teach a display means (control panel 5) comprising a graphical representation of the fan speed (blower speed indicator lights 7a, 7b, and 7c in a tiered configuration; see figure 1, 3) and the triggering of an ionizer (ionizer indicator light 6a based on activation of ionizer switch 6; column 2, lines 63-67; column 3, lines 1-6; see Figure 1, 3) to provide independent control and visualization of such control to the user, thereby providing an easy to use hair dryer over prior hand held hair dryers (column 2, lines 26-37). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify indicator light of Walter et al. with the control panel indicator functionality of Harris et al. to provide independent control and visualization of such control to the user, thereby providing an easy to use hair dryer over prior hand held hair dryers.

19. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. (U.S. Patent No. 4,260,875) in view of Drehler et al. (U.S. Patent No. 6,953,916).

The claims differ from Walter et al. in calling for the display including an LCD display screen. . But a display including an LCD display screen, is well known in the art. Drehler teaches a control device for a hairdresser tool comprising a display including an LCD display screen (LCD monitor 10 included in control device 1; column 5, lines 24-27; see Figure 1) to provide an efficiency mechanism to communicate the real/true status of the device to the user, thereby providing a more operationally efficient hairdressing tool. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Walter et al. with the display including an LCD display screen of

Drehler to provide an efficiency mechanism to communicate the real/true status of the device to the user, thereby providing a more operationally efficient hairdressing tool.

20. Claim 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. (U.S. Patent No. 4,260,875) in view of Drehler et al. (U.S. Patent No. 6,953,916).

The claims differ from Walter et al. in calling for the display means including a numerical displaying showing the instantaneous power of the heater and the display including an LCD display screen. But displaying information in a numerical display and a display including an LCD display screen, is well known in the art. Drehler teaches a control device for a hairdresser tool comprising optical indicators for indicating the heating phase of the heater and if the target temperature is reached (column 3, lines 58-63). Drehler also teaches that the heating phase and target temperature may be actually indicated on the display (a display that indicates actual and target temperature is inherently a numerical display; column 3, lines 63-65). Drehler further teaches a display including an LCD display screen (LCD monitor 10 included in control device 1; column 5, lines 24-27; see Figure 1), all to provide an efficiency mechanism to communicate the real/true status of the device to the user, thereby providing a more operationally efficient hairdressing tool. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Walter et al. with the numerical display teaching of Drehler to provide an efficiency mechanism to

communicate the real/true status of the device to the user, thereby providing a more operationally efficient hairdressing tool.

21. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. (U.S. Patent No. 4,260,875) in view of Drehler et al. (U.S. Patent No. 6,953,916) as applied to claim 6 above, and further in view of Harris et al. (U.S. Patent No. 6,393,718).

The Walter-Drehler hair device combination discloses all of the limitations, as described in claim 6 above, except for the display means including a graphical representation showing operating conditions of the fan speed level and triggering of ionizer for hair. But displaying the fan speed level and the triggering of an ionizer for hair in a graphical representation, is well known in the art. Harris et al. teach a display means (control panel 5) comprising a graphical representation of the fan speed (blower speed indicator lights 7a, 7b, and 7c) and the triggering of an ionizer (ionizer indicator light 6a based on activation of ionizer switch 6; column 2, lines 63-67; column 3, lines 1-6) to provide independent control and visualization of such control to the user, thereby providing an easy to use hair dryer over prior hand held hair dryers (column 2, lines 26-37). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify indicator light of the Walter-Drehler hair device combination with the control panel indicator functionality of Harris et al. to provide independent control and visualization of such control to the user, thereby providing an easy to use hair dryer over prior hand held hair dryers.

With respect to claim 11, Drehler teaches a display including an LCD display screen (LCD monitor 10 included in control device 1; column 5, lines 24-27; see Figure 1) to provide an efficiency mechanism to communicate the real/true status of the device to the user, thereby providing a more operationally efficient hairdressing tool.

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. (U.S. Patent No. 4,260,875) in view of Harris et al. (U.S. Patent No. 6,393,718) as applied to claim 5 above, and further in view of Drehler et al. (U.S. Patent No. 6,953,916).

The Walter-Harris hair device combination discloses all of the limitations, as described in claim 6 above, except for the display including an LCD display screen. . But a display including an LCD display screen, is well known in the art. Drehler teaches a control device for a hairdresser tool comprising a display including an LCD display screen (LCD monitor 10 included in control device 1; column 5, lines 24-27; see Figure 1) to provide an efficiency mechanism to communicate the real/true status of the device to the user, thereby providing a more operationally efficient hairdressing tool. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Walter-Harris hair device combination with the display including an LCD display screen of Drehler to provide an efficiency mechanism to communicate the real/true status of the device to the user, thereby providing a more operationally efficient hairdressing tool.

Prior Art

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Publication No. 2003/0052115 to Leung et al. is a teaching of a hair iron comprising an air flow, heater, PCB controller board as well as an NTC temperature sensor.

U.S. Patent No. 6,664,516 to Chang et al. is a teaching of a hair iron having an NTC temperature sensor adjacent the heater.

U.S. Patent No. 6,640,149 to Lee et al. is a teaching of a hot air blower having air flow, a heating element, ion emitting capability, and a microprocessor to control the on/off functionality of the heater.

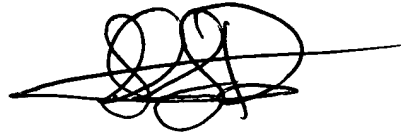
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen J Ralis
Examiner
Art Unit 3742

SJR
June 26, 2006



ROBIN O. EVANS
PRIMARY EXAMINER

6/26/06